



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,472	09/11/2003	Hajime Saito	09867/0200009-US0	4975
7278	7590	01/09/2008		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER THOMAS, ERIC M	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			01/09/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/660,472

Applicant(s)

SAITO ET AL.

Examiner

Eric M. Thomas

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, and 13 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-11, 13-15 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

Art Unit: 3714

## **DETAILED ACTION**

### ***Response to Amendment***

This is in response to amendments filed on 7/9/07, claims 11, 13, and 18 have been amended, and claim 12 has been cancelled. Claims 1 – 11, and 13 – 20 are now pending in the current application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3 - 5, 9 - 15, and 18 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks (US 6352479) in view of Pearson (US 5018736).**

Regarding claim 1, Sparks provides a game system, which comprises of a plurality of gaming machines linked together in a network, that is capable of playing different kinds of games from each other, (col. 3, lines 5 – 8, claim 2), includes a sending device that is used for sending personal information which could be used to identify a user (col. 5, lines 5 – 16). It also includes a server, which is capable of storing personal statistics or points and preferences which are contents or a user's playing, (col. 5, lines 17 – 18, lines 46 – 51), but Sparks is silent on whether the game system includes a trading device. In a related art however, Pearson provides a gaming system, which includes a trading device or feature, which allows a user to trade any one of a

Art Unit: 3714

plurality of unique data, which could be used in the games (col. 16, lines 45 – 64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a trading feature in the game system provided by Sparks in order to enhance the game-play of the game system.

Regarding claim 3, as stated above, Sparks provides a game system, which fails to disclose a trading device or feature, but Pearson provides a gaming system, which includes a storage device which could receive a trading request to trade any one of the plurality of unique data together with the identification – information. By doing this, the data will also be reflected in the user available data corresponding to the received information in the storage device (col. 16, lines 45 – 64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a trade request feature in the game system provided by Sparks in order to enhance the game-play of the game system.

Regarding claim 4, Sparks provides a game system, which comprises of a storage device, which further stores information for verifying the user in association with identification-information, (col. 4, lines 20 – 31), but fails to disclose a trading device that is related to this feature. However, Pearson's gaming system teaches of a storage device, which includes a trade feature (col. 16, lines 45 – 64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a trade feature in the game system of Sparks in the case of a trade request, where the user in the proper user based on the identification information.

Art Unit: 3714

Regarding claim 5, Sparks provides a game system, which fails to disclose a second sending device. However, Pearson's gaming system teaches of a second sending device, which is capable of sending designated or traded data (col. 16, lines 45 – 64). Therefore, it would have obvious to one of ordinary skill in the art at the time of invention to include a second sending device in the game system of Sparks, in order to send certain data to another game machine that is connected to the gaming network.

Regarding claim 6, Sparks provides a game system, where the storage device is capable of storing data and information, connected to the network, to be made available to other users connected to the network, (col. 5, lines 5 – 25, 40 – 52), but Sparks fails to disclose a server and a second sending device, which sends this information to a said game machine. However, Pearson provides a gaming system, which includes a server, which receives information from a said game machine where the sending device reads and then sends the information from the storage device to another said game machine (col. 16, lines 45 – 64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a second sending device and a server that is capable of sending identification – information from one gaming machine to another.

Regarding claim 9, Sparks provides a game system where the identification – information is used to identify the user for each kind game, which comprises of an individual storage device for each of the games that stores this data and makes it available to each user that is connected to the network. The server is also capable of

Art Unit: 3714

receiving a request to receive this information from any user that is linked to the network.

Regarding claim 10, Sparks provides a game, which is capable of reading out the identification – information from the storage device from an information storage which stores the identification information and the sending device which sends this information, read out by the device to the server (col. 5, lines 5 – 35).

Regarding claim 11, Sparks provides a server, which communicates with of a plurality of gaming machines linked together in a network, that is capable of playing different kinds of games from each other, (col. 3, lines 5 – 8, claim 1), includes a sending device that is used for sending personal information which could be used to identify a user (col. 5, lines 5 – 16). It also includes a storage device, which is capable of storing personal statistics or points and preferences which are contents or a user's playing, (col. 5, lines 17 – 18, lines 46 – 51), but Sparks is silent on whether the game system includes a trading device. In a related art however, Pearson provides a gaming system, which includes a trading device or feature, which allows a user to trade any one of a plurality of unique data, which could be used in the games (col. 16, lines 45 – 64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a trading feature in the game system provided by Sparks in order to enhance the game-play of the game system.

Regarding claim 13, Sparks provides a game system, which comprises of a storage device, which further stores information for verifying the user in association with identification-information, (col. 4, lines 20 – 31), but fails to disclose a trading device that

Art Unit: 3714

is related to this feature. However, Pearson's gaming system teaches of a storage device, which includes a trade feature (col. 16, lines 45 – 64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a trade feature in the game system of Sparks in the case of a trade request, where the user in the proper user based on the identification information.

Regarding claim 14, Sparks provides a game system, which comprises of a server, which stores information for verifying the user in association with identification-information and is able to send this information from to other game machines that are linked to the network server.

Regarding claim 15, Sparks provides a game system, which fails to disclose a second storage device. However, Pearson's gaming system teaches of a second storage device, which is capable of sending designated or traded data (col. 16, lines 45 – 64). Therefore, it would have obvious to one of ordinary skill in the art at the time of invention to include a second sending device in the game system of Sparks, in order to send certain data to another game machine that is connected to the gaming network.

Regarding claim 18, Sparks provides a game system, which comprises of a server, which stores information for verifying the user in association with identification-information and is able to send this information from to other game machines that are linked to the network server.

Regarding claim 19, Sparks provides a game system, which comprises of a register terminal that is linked to a communication network with a server that is used for controlling the user's identification information, allows the select which one of the games

Art Unit: 3714

to be linked, the individual's contents of playing, (personal preferences), a readout device for reading out the individual information from the storage device, an input device for inputting this information, and a sending device for sending this information to the server (claim 1).

Regarding claim 20, Sparks provides a method for playing a game system which includes a plurality of games and a user, which comprises of storage device which stores points that corresponds with identification information, which is used to identify the user, (col. 3, lines 5 – 8, claim 1, col. 5, lines 5 – 16), but Sparks however, is silent on setting a trade value for the points that are accumulated throughout the plurality of games. In a related art however, Pearson teaches a method of playing a game system, which sets a trading value, which is unified throughout the plurality of games (col. 4, lines 12 – 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a trade value feature into the game system provided by Sparks in order to enhance the game-play between the pluralities of users connected to the network.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks (US 6,352,479) in view of Pieterse (US 6080064).**

Regarding claim 2, as stated above, Sparks provides a game system, which comprises of a plurality of gaming machines linked together in a network, that is capable of playing different kinds of games from each other, (col. 3, lines 5 – 8, claim 2), includes a sending device that is used for sending personal information which could be



Art Unit: 3714

used to identify a user (col. 5, lines 5 – 16). It also includes a server, which is capable of storing personal statistics or points and preferences which are contents or a user's playing, (col. 5, lines 17 – 18, lines 46 – 51), but Sparks is silent on whether the game system includes a converting device that is mounted on the server, however in a related art, Pieterse provides a converting device which is connected to the server which is used to for play-information conversion (col. 6, lines 20 – 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to mount the converting device to the server, which makes the play-information to be converted easily.

#### ***Allowable Subject Matter***

Claims 7, 8, 16, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims are allowed based on the fact that there is not any prior art that discloses a game system where the server receives a donation request from a sender and receiver logged on the gaming network, where the contents of user's playing could be converted into points.

#### ***Response to Arguments***

Applicant's arguments, filed on 7/9/07, with respect to the Claim objections with respect to claims 1, 3 – 6, 8 – 10, 13 – 15, 17, and 19 have been fully considered and are persuasive. The objection of these claims has been withdrawn.

Art Unit: 3714

Applicant's arguments filed 7/9/07 have been fully considered but they are not persuasive. Regarding claim 1, the applicant states that " both Sparks and Pearson fail to disclose or suggest the relation between games provided by the game system via the Points", and regarding claim 19 they "fail to disclose or suggest identification – information set to identify a user for each game." The examiner respectfully disagrees. Regarding the arguments of claim 1, as stated above, the combination of Sparks and Pearson teach the use of a trading device in a game system used to trade data between players, wherein the claimed invention uses a trading device to trade points. Even though the trading device taught by the combination of Sparks and Pearson is used for different from the claimed invention, it still teaches the use of a trading device in a game system, which makes it capable of being used in a way as claimed by the applicant. Regarding the arguments of claim 19, as stated above, Sparks provides a game system that discloses a register terminal that is linked to a communication network with a server that is used for controlling the user's identification information. Even though process of controlling the identification – information of user in a game system may be of different nature, Sparks still teaches of a readout device, an input device, and sending device in a game system, which makes it capable of being used in ways as claimed by the applicant. For reasons stated above, the arguments are deemed not to be persuasive.


Art Unit: 3714

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ROBERT E. PEZZUTO  
SUPERVISORY PRIMARY EXAMINER